

October 7, 2003

October Seventh

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The regular October Meeting of Danville City Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, Albert K. "Buddy" Rawley, Jr., Sherman M. Saunders, H. Phillip Smith, and Vice-Mayor R. Wayne Williams, Jr. (9).

Staff members present were City Manager Jerry L. Gwaltney, Assistant City Manager for Utilities Joseph C. King, Finance Director Aubrey D. Dodson, City Attorney Timothy R. Spencer, Legislative and Public Affairs Director Todd M. Yeatts, and Clerk of the Council Annette Y. Crane, CMC.

Other Staff members present were Human Services Director Gwendolyn Edwards, Community Development Director Jerry Fischer, Planning Director Kenny Gillie, Parks, Recreation and Tourism Director John Gilstrap, and Deputy Public Works Director/City Engineer Kent Shelton.

Mayor Hamlin presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Vice-Mayor Williams introduced Rev. Brenda Lee, a Pastoral Caregiver at Danville Regional Medical Center (DRMC), who offered the invocation. The Pledge of Allegiance to the Flag followed.

Mayor Hamlin issued a proclamation, recognizing the Week of October 19-25, 2003 as Pastoral Care Week in the City of Danville. He presented the certificate to Rev. Lee and requested that she convey to all pastoral caregivers his sincere appreciation for the comfort and guidance they provide to patients and family members at DRMC.

ANNOUNCEMENTS AND SPECIAL RECOGNITION

Mayor Hamlin recognized Galileo Magnet High School Principal, Bill Lawrence. Mr. Lawrence reported on activities at the School. He said the school had received lots of recognition for last year's scores on the Virginia Standards of Learning (SOLs) exams. Eighty-five percent of Social Studies students, 85% of Science students, 94% of Math students, and 100% of English students passed their SOLs. Mr. Lawrence said the scores represent a strong start for the new school. The school is breaking new ground in educating the area's students through innovative curriculum development (in partnership with Virginia Tech and NASA), advanced technology integration, developing partnerships and student service to the community.

October 7, 2003

The International Roots and Shoots Organization has recognized students for excellence. The school was selected as one of thirty organizations nationwide to attend a North American Youth Summit in Sandstone, Minnesota last March. Presentations by Galileo students Lauren Johnson and Tracy Kelly were selected to be placed on the Roots and Shoots website to be used as a teaching tool for other local organizations.

The new school year began on August 25th with almost 60% more students than last year. Over 20 schools are represented at Galileo and there are six new teachers.

Principal Lawrence expressed his own enthusiasm as well as those of the students as he reviewed the curriculum that has been prepared for students for the new school year.

Mayor Hamlin offered his congratulations to Mr. Lawrence and asked that he convey to the faculty and students his very best wishes.

Council Member Archie praised the students and faculty of Galileo by calling the group a "magical team." She said there would come great things from the students and asked that Mr. Lawrence keep the school motto, "Education for a New Generation" in the forefront because these students were being trained for future leadership in our community.

COMMUNICATIONS FROM VISITORS

Will Carson, a City resident, expressed concern about fallen powers lines and downed trees that occur during a storm. He asked City Council to consider placing electric, cable, and other utility lines underground. He said the present system of exposed wires and poles creates a safety hazard during any type of storm. Mr. Carson said an underground cable system would save the City and its citizens a great deal of money. He said when a storm blows out the electric system, there is loss of food that is stored in freezers, internet connection, telephone service, heating, air conditioning and other problems presented when the electricity goes out. With underground cable, there would be none of these problems.

Council Member Smith felt this would be a great solution to problems due to power outages. He suggested that City Manager Gwaltney, Assistant City Manager for Utilities Joe King and the Utility Commission might consider the possibility of underground cable at a future meeting.

Nicole Garrison appeared to present problems she is currently experiencing with compliance of the City Ordinance relating to automobile junkyards on property located at 4232 Westover Drive. Ms. Garrison said she had received a certified letter from the City stating that any place that has five or more inoperative vehicles must screen the business from public view and obtain an automobile graveyard or junkyard license. She said that she requested the gentleman who owns the business remove the inoperative vehicles. Ms. Garrison said only four now remain, two of which are unlicensed.

October 7, 2003

Ms. Garrison said a City official had informed her that a 24' x 24' L-shaped fence must be installed within two weeks. Ms. Garrison said she could not understand why she is being forced to build a fence when she does not feel the business falls under the ordinance. She said she felt that it was a matter of interpretation as to what defined a junkyard. Ms. Garrison said that in addition to having the vehicles removed, fast-growing evergreen trees had been planted in the sight line from Westover Drive. She said she was informed this was not good enough and that a fence must be built.

Ms. Garrison said another problem she is experiencing was that the City has a right-of-way to bring a sewer line across the back of the property, down Hanks Lane to Pinecrest Drive. She said she did not know exactly where the line would fall or where the right-of-way would be located once it was in place. She said erecting a fence at this time would be premature.

Ms. Garrison said although she did not own the business in question, she, as a property owner, had attempted to comply with the ordinance as she interpreted it.

City Manager Gwaltney was requested by Mayor Hamlin to investigate this matter in order to reach some type of compromise with Ms. Garrison.

Carolyn LaViscount of Piedmont Assisted Living Center and Alvin Davis, spokesperson for the Utility Committee at the Center, appeared to request relief from high utility bills. Mr. Davis read a statement to City Council as follows:

"We, a group of concerned citizens of Danville, Virginia are writing this letter in reference to the high amount we are paying for our utility bills. Many of the citizens in the Danville community are disabled or elderly and on fixed incomes. We cannot afford the utility bills we have received during the winters in the past two years. Often our utility bills take more than half of our monthly checks. We feel we are seeing no solution to this problem and from our perspective the budget plan or even-pay system and the one-time Utility Assistance are not enough.

We are asking that City Council consider the possibility of additional help for the elderly and disabled with their utility bills. Something must be done about this situation as soon as possible, hopefully before this upcoming winter when the problem will be upon us. In support of our endeavor for utility relief, we would like to present to the City Council signed petitions from over 300 Danville citizens. Thank you for your consideration."

s/Alvin Davis.

Ms. LaViscount presented the petition to City Manager Gwaltney, which will be filed in the office of the City Clerk. She requested that City Council do something about the problem before winter months set in.

October 7, 2003

Mayor Hamlin thanked Ms. LaViscount and Mr. Davis for bringing their concerns to Council. He suggested that citizens look for other alternatives, such as area churches and civic groups for assistance with the high bills.

Rhonda Womack, a 16-year member of the Danville Redevelopment Housing Authority Board of Commissioners, appealed to City Council to reappoint her to the Board. Ms. Womack's current term will expire on October 31, 2003. She stated that the Board is currently in the middle of the difficult HOPE VI project and felt her experience and knowledge about the issue would be an asset to the Board.

Mayor Hamlin thanked Ms. Womack for her 16 years of service to the Board and for bringing the issue before City Council.

MINUTES

Upon Motion by Council Member Daniels and second by Council Member Smith, Minutes of the September 16, 2003 Regular Council Meeting, a Special Called Meeting of September 30, 2003, Work Session Minutes of September 16, 2003 and Minutes of the September 30, 2003 Special Joint Meeting with the Utility Commission were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

BUDGET ADOPTION-FY 2003-04-TITLE III-B & III-D GRANT FUNDS

Upon Motion by Council Member Luther and second by Council Member Castiglione, Ordinance No. 2003-09.05 presented by its First Reading on September 16, 2003 amending the fiscal year 2003-2004 Budget Appropriation Ordinance by increasing certain revenues to provide for title III-B and Title III-D Grant Funds and local share for senior citizen programs and appropriating same were adopted by the following vote:

VOTE: 9-0

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders, Smith, and Williams (9).

NAY: None (0).

BUDGET AMENDMENT-FY 2003-04-FIBER-OPTIC NETWORK

Upon Motion by Council Member Smith and second by Council Member Luther, an Ordinance entitled:

ORDINANCE NO. 2003-10.01

AN ORDINANCE AMENDING THE FISCAL YEAR 2003-2004 BUDGET APPROPRIATION ORDINANCE TO ALLOCATE FUNDS IN THE AMOUNT OF \$2,500,000 FROM THE ELECTRIC FUND BALANCE TO DESIGN, CONSTRUCT AND EQUIP A FIBER-OPTIC MUNICIPAL AREA NETWORK (MAN)

October 7, 2003

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

Mayor Hamlin asked Utility Commission Member Smith to pass along to the Commission his gratitude for the hard work in developing the Broadband project.

REAPPOINT WAYNE WILLIAMS TO REGIONAL AUTHORITY

Council Member Daniels moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-10.01

A RESOLUTION REAPPOINTING R. WAYNE WILLIAMS, JR. TO THE BOARD OF DIRECTORS OF THE DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY.

The Motion was seconded by Archie and adopted by the following vote:

VOTE: 9-0

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (9).

NAY: None (0).

HEARING-REZONE PROPERTY LOCATED AT 126 SUTHERLIN AVENUE

Mayor Hamlin opened the floor for a Public Hearing to consider amending the Year 2020 Land Use Plan and rezoning property located at 126 Sutherlin Avenue. Notice of the Public Hearing had been duly published in the Danville Register and Bee on September 23 and 30, 2003.

Mayor Hamlin recognized the applicant's attorney Luis Abreu. Mr. Abreu advised the property, located in the Historic District area of the City, was zoned R1-B Single Family Dwelling District. The request to amend and rezone to Office/Professional/Transitional District is to allow for professional offices at the location. He stated the property had a history of non-residential use and was granted a Special Use Permit in 1985. Mr. Abreu advised that during the Public Hearing held before the Planning Commission on September 8, the Commissioners had recommended denial of the rezoning and amendment to the 2020 Land Use Plan. In response to Council Members, Mr. Abreu said that thirty-eight notices had been sent to adjacent property owners; twelve who responded were not opposed and eleven were opposed.

Mr. Abreu requested that the amendment and rezoning be approved.

Mayor Hamlin recognized Attorney Christopher Okay. Mr. Okay, representing the Danville Historic District Neighborhood Association, expressed concern about the erosion of the character of the Historic District Area. He felt that if the amendment and

October 7, 2003

rezoning were approved, any kind of business, such as abortion clinics or half-ways houses might locate there. He spoke in favor of encouraging businesses to locate in the downtown area.

Also expressing opposition to the move were Historic area residents Cynthia Castle and Susan Stilwell. Approximately eighteen residents stood in opposition when asked to do so by Mayor Hamlin.

City Manager Gwaltney said he felt very strongly about this district and had recommended approved of the amendment and rezoning in his letter to City Council. He said his concern was to maintain the integrity of the district, but there also needed to be a sense of reasonability regarding this matter.

Following an extensive question and answer period among Council Members, no one further desired to be heard and the Public Hearing was closed.

Vice-Mayor Williams moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2003-10.02

AN ORDINANCE AMENDING THE YEAR 2020 COMPREHENSIVE LAND USE PLAN FROM URBAN SINGLE FAMILY TO OFFICE/PROFESSIONAL/TRANSITIONAL AND TO REZONE FROM R1-B SINGLE FAMILY DWELLING DISTRICT TO "CONDITIONAL" O/I OFFICE AND INSTITUTIONAL DISTRICT, 126 SUTHERLIN AVENUE.

The Motion was seconded by Council Member Archie and adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders, Smith, and Williams (9).
NAY: None (0).

MAINTAIN ZONING AT 126 SUTHERLIN AVENUE

Because the amendment and rezoning related to the property at 126 Sutherlin Avenue were approved by City Council, there was no Council action on this matter.

HEARING-REZONE PROPERTY LOCATED AT 926 MAIN STREET

Mayor Hamlin opened the floor for a Public Hearing to consider amending the Year 2020 Land Use Plan and rezoning property located at 926 Main Street. Notice of the Public Hearing had been duly published in the Danville Register and Bee on September 23 and 30, 2003.

October 7, 2003

Audrey Cocke, owner of the property at 926 Main Street, appeared to request that Council approve the amendment and rezoning of her property. She said she had never visited a historic district in other locations that did not have shops and stores in the mix. Ms. Cocke advised that her husband, Dr. Wilford Cocke, had used the property for his orthodontist practice for 25 years. Dr. Cocke has since retired. A Special Use Permit was granted to Dr. and Mrs. Cocke in 1978. That permit is nontransferable. She said there were prospective buyers who would like to operate a professional office there, but could not do so if the amendment and rezoning were not approved.

Attorney Christopher Okay, representing the Danville Historic District Neighborhood Association, appeared to oppose approval. Mr. Okay said the Planning Commission had recommended approval of the rezoning in spite of the strong opposition voiced during the Public Hearing on September 8. Other area residents present to oppose the move were Susan Stilwell, C. B. Maddox, Priscilla Okay (who read a statement from property owner Scott Burton), Sarah Levine, and Bettina Beals.

Attorney Luis Abreu and Dr. Wilford Cocke spoke in favor of the rezoning.

Following an extensive question and answer period, no one further desired to be heard and the Public Hearing was closed.

Council Member Castiglione said he would not support the amendment and rezoning. He felt there was sufficient opposition and said he would listen to the residents of the area.

Council Member Archie moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2003-10.03

AN ORDINANCE AMENDING THE YEAR 2020 LAND USE PLAN FROM URBAN SINGLE FAMILY RESIDENTIAL TO OFFICE/PROFESSIONAL/TRANSITIONAL AND REZONING FROM R-2 TWO-FAMILY DWELLING DISTRICT TO "CONDITIONAL" O/I OFFICE AND INSTITUTIONAL DISTRICT, 926 MAIN STREET.

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 8-1
AYE: Archie, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (8).
NAY: Castiglione (1).

BUDGET AMENDMENT-FY 2003-04-2002 TEA-21 PHASE III

Upon Motion by Council Member Daniels and second by Vice-Mayor Williams, an Ordinance entitled:

October 7, 2003

ORDINANCE NO. 2003-10.04

AN ORDINANCE AMENDING THE 2003-2004 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION (2002 TEA-21 AWARD) AND LOCAL SHARE TO CONTINUE PHASE III OF THE DANVILLE CROSSING AT THE DAN PROJECT

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

BUDGET AMENDMENT-FY 2003-04-WELFARE TO WORK GRANT

Upon Motion by Council Member Rawley and second by Council Member Saunders, an Ordinance entitled:

ORDINANCE NO. 2003-10.05

AN ORDINANCE AMENDING THE 2003-2004 BUDGET APPROPRIATION ORDINANCE BY ANTICIPATING FUNDS FROM THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES IN THE AMOUNT OF \$175,365 FOR A WELFARE TO WORK GRANT

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

BUDGET AMENDMENT-FY 2003-04-W. W. MOORE, JR. DETENTION HOME

Upon Motion by Council Member Archie and second by Council Member Rawley, an Ordinance entitled:

ORDINANCE NO. 2003-10.06

AN ORDINANCE AMENDING THE 2003-2004 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A FEDERAL GRANT IN THE AMOUNT OF \$26,275 TO AID THE FOOD SERVICE OPERATIONS AT W. W. MOORE, JR. DETENTION HOME AND APPROPRIATING SAME

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

APPROVE DELINQUENT & IMPROPERLY ASSESSED TAX REPORT-2003

Council Member Smith moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-10.03

October 7, 2003

A RESOLUTION ACKNOWLEDGING RECEIPT OF AND APPROVING THE REPORT DATED AUGUST 27, 2003 OF DELINQUENT AND IMPROPERLY ASSESSED TAXES AS OF JUNE 30, 2003 PREPARED AND SUBMITTED TO THE COUNCIL BY THE DIRECTOR OF CENTRAL COLLECTIONS.

The Motion was seconded by Council Member Daniels and adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (9).
NAY: None (0).

ENDORSE NAMING OF DANVILLE MUNICIPAL COURTHOUSE

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-10.04

A RESOLUTION ENDORSING THE NAMING OF THE DANVILLE MUNICIPAL COURTHOUSE, "THE JAMES F. INGRAM MUNICIPAL COURTHOUSE."

The Motion was seconded by Council Member Castiglione and adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (9).
NAY: None (0).

APPOINT JOE KING AS ALTERNATE DIRECTOR – BLUE RIDGE POWER

Council Member Smith moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-10.05

A RESOLUTION APPOINTING AN ALTERNATE DIRECTOR (JOE KING) TO THE BOARD OF DIRECTORS OF THE BLUE RIDGE POWER AGENCY.

The Motion was seconded by Council Member Daniels and adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (9).
NAY: None (0).

October 7, 2003

VIRGINIA RETIREMENT SYSTEM (VRS) PAST SERVICE CREDIT

Council Member Smith moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-10.06

A RESOLUTION OF AUTHORIZATION TO PICK UP THE EMPLOYEES CONTRIBUTION TO VRS FOR PAST SERVICE CREDIT UNDER SECTION 414(h) OF THE INTERNAL REVENUE CODE.

The Motion was seconded by Council Member Archie and adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (9).
NAY: None (0).

REIMBURSEMENT CONTRACT-JMS PROPERTIES, L.L.C.

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-10.07

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A REIMBURSEMENT CONTRACT BETWEEN THE CITY AND JMS PROPERTIES, L.L.C. FOR A SANITARY SEWER MAIN EXTENSION.

The Motion was seconded by Council Member Smith and adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (9).
NAY: None (0).

COMMUNICATIONS

There were no communications from the City Manager and City Attorney. City Clerk Crane reminded everyone the next Council Meeting would be held on Thursday, October 23, 2003, at 7:00 p.m. Some Council Members and Administrative Staff Members would be attending the annual Virginia Municipal League Conference in Roanoke on the third Tuesday, which is the regular Council meeting night.

ROLL CALL

October 7, 2003

Council Member Archie reported that she had participated in a Truancy Panel at Bonner School on September 29. She said she felt that many parents who needed to attend were not present and said she hoped the School Board would conduct another because there many excellent points that parents could have used had they been in attendance.

Mrs. Archie advised that on Friday, October 10, there would be an Open House at W. W. Moore Detention Home and said she hoped Council Members would attend.

Council Member Castiglione said he attended the Truancy Panel at Bonner. He advised the dropout rate among students had decreased from 5.6% to 2.7% and that graduation rates were improving. He commended parents and faculty for the good report.

Council Member Daniels asked City Manager Gwaltney to clarify an item he had read in a communication concerning the Worsham Street Bridge Demolition Project. Mr. Daniels said the article mentioned that apparently City Council and VDOT had circumvented discussion of the project by not holding a real Public hearing to receive input from concerned citizens about the issue. Mr. Gwaltney advised he had an indepth conversation with the Secretary of Transportation Whitt Clement today. Mr. Clement advised he did not believe there was a problem and would ask the Department of Transportation to research the matter.

Mayor Hamlin announced that on October 18, 2003 at 8:00 a.m., the first ROTC Drill Meet would be held at Bartlett-Yancey School. GWHS's team will be competing in the event on that day. On Saturday, November 1, GWHS's team will be hosting the Drill Meet and will not be competing. There will be twenty schools participating. The public is invited to attend.

Mayor Hamlin requested the City Manager make arrangements with Chief Broadfoot to have only one Police Officer deliver Council Member agenda packages. Mayor Hamlin requested that each Council Member advise Mr. Gwaltney exactly where they wanted the Agenda to be left if no one is at home to receive the material. Council Members will no longer be required to sign for the packages.

Council Member Luther advised he had attended a news conference on Monday concerning funding for the Long Mill project. He was gratified that funds had been awarded to develop the area, which will include a restaurant and condominiums. Mr. Luther said the view along the Dan River from the building is spectacular.

Council Member Rawley read a statement as follows: "I'd like to take this opportunity to thank each member of Council for the support and assistance you have given me during the past year. It has been one year since you saw fit to appoint me to fill the unexpired term of our friend, Charles Scott. Service on this Council is both an honor and an awesome responsibility. My commitment to you and to the citizens of Danville is to do my very best to leave this City a little better off than it was when I was born here over a half century ago. I cannot fill Charles' shoes, but I can put my shoes on the road to a better economy and more opportunities for everybody in Danville. I thank each of you."

October 7, 2003

Vice-Mayor Williams expressed his appreciation to Council for the reappointment to the Danville-Pittsylvania Regional Industrial Facility Authority. He said the Authority does important work and he was honored to serve.

CLOSED MEETING

At 10:08 P.M. Mayor Hamlin recognized Vice-Mayor Williams who moved that the meeting be recessed and that Council immediately convene in Closed Meeting for the purpose of discussion, consideration or interview of prospective candidates for appointment as permitted by Subsection (A) (1) of Section 2.2-3711 of the Code of Virginia, 1950, as amended, and more specifically to consider an appointment to the Danville Redevelopment and Housing Authority Board of Commissioners. The Motion was seconded by Council Member Smith and carried by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders, Smith,
and Williams (9).
NAY: None (0).

At 11:00 P.M. Council reconvened in open session and Vice-Mayor Williams moved that Council adopt the following Resolution.

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Council convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia, 1950, as amended, requires a Certification by the Council that such Closed Meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted by the open requirements of Virginia Law were discussed in the Closed Meeting to which this Certification Resolution applies, and (ii) only such public business matters as were identified in the Motion convening the Closed Meeting were heard, discussed, or considered by the Council.

The Motion was seconded by Council Member Castiglione and adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders, Smith,
and Williams (9).

October 7, 2003

NAY: None (0).

The Meeting adjourned at 11:01 P.M.

MAYOR

CLERK